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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,526	12/10/2001	Albert Dimberger	16616-6	7663

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EXAMINER

HO, THOMAS Y

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,526

Applicant(s)

DIRNBERGER ET AL.

Examiner

Thomas Y Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-30 is/are pending in the application.
- 4a) Of the above claim(s) 31-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-21 and 23-30 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims 17-36 are pending. Claims 1-16 have been withdrawn or cancelled.

Election/Restrictions

Newly submitted claims 31-36 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claims 31-36 are directed to a second species of Figures 4-5. The original claims were directed to the first species of Figures 1-2. The second species is distinct from the first species in that the second has a connecting guide link and detent pawl that is specific to only the second species.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 31-36 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

Claims 17 and 22 are objected to because of the following informalities:

As to claim 17, the word “have” in line 9 should be changed to --having--, and the last “of” in line 10 should be deleted.

As to claim 22, the phrase “the force-generating element” lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-21, 23-28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moline US5879036 in view of Hapke US5823017.

As to claim 17, Moline discloses, an apparatus for blocking and releasing a door lock of an electrical appliance, comprising: a blocking and release unit having a blocking state (Figure 6) for blocking a locked door lock of an electrical appliance and a release state (Figure 5) for enabling unlocking of the door lock and comprising an actuator (22 and the appliance controller), which effects, upon activation, a crossover from the release state to the blocking state if the blocking and release unit is in the release state and a crossover from the blocking state to the release state if the blocking and release unit is in the blocking state, and an emergency release unit (110) have an idle state (uncharged capacitor) and a working state (charged capacitor) and comprising an actuator (110; the definition of actuator according to The American Heritage Dictionary of the English Language: Fourth Edition. 2000 is “one that activates, especially a device responsible for actuating a mechanical device, such as one connected to a computer by a sensor link), which effects, a crossover from the idle state into the working state and allows, in an abnormal operating state of the electrical appliance, a crossover from the working state into the idle state, wherein the emergency release unit in the event of the crossover from the working state into the idle state brings the blocking and release unit into the release state (col.5, ln.40-60). The difference between the claim and Moline is the claim recites, an actuator, which effects the crossover, in response to the crossover of the blocking and release unit into the blocking state. Although Moline does not disclose how and when the actuator responds to the crossover of the

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blocking and release unit into the blocking state, it is obvious that the actuator (capacitor) must somehow be charged (crossover from idle to working state). Hapke discloses a lock similar to that of Moline. In addition, Hapke further teaches that locking the latch causes the unlock signal capacitor to charge (col.6, ln.54-67). It would have been obvious to one of ordinary skill in the art, having the disclosures of Moline and Hapke before him at the time the invention was made, to modify the actuator of Moline to crossover from idle to working state in response to the blocking and release unit crossover into blocking state, as in Hapke, to obtain the ability to charge the emergency unlock unit. One would have been motivated to make such a combination because the ability to ensure that any time sufficient power is available to lock the latch, that there is reserve power to unlock the latch even during a power failure (col.6, ln.54-67).

As to claim 18, Moline discloses, wherein the emergency release unit (110) effects the crossover from the idle state into the working state. The emergency release unit effects the crossover from idle to working by allowing a charge to accumulate.

As to claim 19, Moline discloses, wherein the emergency release unit comprises a force-generating element (99) for effecting the crossover from the working state into the idle state. The monostable multivibrator is a force-generating element because it eventually causes a force to release the latch, and effects crossover from working to idle state by allowing the actuator (110) to discharge.

As to claim 20, Moline discloses, an apparatus for blocking and releasing a door lock of an electrical appliance, comprising: a blocking and release unit having a blocking state for blocking a locked door lock of an electrical appliance and a release state for enabling unlocking of the door lock and comprising an actuator, which effects, upon activation, a crossover from the

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release state to the blocking state if the blocking and release unit is in the release state and crossover from the blocking state to the release state if the blocking and release unit is in the blocking state, and an emergency release unit having an idle state and a working state and comprising a force-generating element (110), which effects, in response to the crossover of the blocking and release unit into the blocking state, a crossover from the idle state into the working, state and an actuator (99), which effects, in an abnormal operating state of the electrical appliance, a crossover from the working state into the idle state, wherein the emergency release unit in the event of the crossover from the working state into the idle state brings the blocking and release unit into the release state. Hapke teaches the force-generating element (110), which effects a crossover, in response to the crossover of the blocking and release unit into the blocking state.

As to claim 21, Hapke teaches, wherein the emergency release unit comprises an energy supply device (72; col.6, ln.54-57) for the actuator of emergency release unit, which device is designed to supply energy to the actuator of emergency release unit for activating the latter in the event of abnormal operation of the electrical appliance.

As to claim 23, Moline discloses, wherein the blocking and release unit assumes the blocking state by means of a working connection to the door lock in response to the locking of the latter.

As to claim 24, Moline discloses, wherein the blocking and release unit in a locked state of the door lock assumes the blocking state in a controlled manner.

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As to claim 25, Moline discloses, wherein the blocking and release unit assumes the release state in an operating state of the electrical appliance, for which an unlocking of the door lock is desirable and/or permissible.

As to claim 26, Moline discloses, wherein the emergency release unit assumes the working state by means of a working connection to the blocking and release unit. Hapke teaches, in response to the crossover of the latter into the blocking state.

As to claim 27, Moline discloses, wherein the emergency release unit assumes the working state in a controlled manner when the blocking and release unit is situated in the blocking state or before the blocking and release unit assumes the blocking state.

As to claim 28, Hapke teaches, wherein during normal operation of the electrical appliance the emergency release unit assumes the idle state in response to the crossover of the blocking and release unit from the blocking state into the release state. Moline does not describe what happens to the stored charge, but Hapke teaches that it is recycled when the latch is unlocked.

As to claim 30, Moline discloses, further comprising a release device (97) for the emergency release unit, which device in dependence upon parameters characterizing an abnormal operating state of the electrical appliance allows a crossover of the emergency release unit into an idle state. The transistor (97) is a release device because upon power failure, the transistor (97) conducts and allows the capacitor (110) to discharge.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moline US5879036 in view of Hapke US5823017, and further in view of Chioffi EP0965677.

As to claim 29, the difference between the claim and Moline is the claim recites, wherein the actuator of the emergency release unit is a heat-sensitive element, a thermoelement or a wax motor. For the rejection of claim 29, the actuator of the emergency release unit can be interpreted as also comprising solenoid 38 of Moline (the solenoid actuator is functionally connected to the emergency release unit through the appliance's circuitry). Moline discloses that the actuator can be replaced by other actuators, motors, or the like (col.5, ln.60-65). Chioffi discloses an appliance latch similar to that of Moline. In addition, Chioffi further teaches the use of an actuator that is a thermoelement (8). It would have been obvious to one of ordinary skill in the art, having the disclosures of Moline and Chioffi before him at the time the invention was made, to replace the actuator of Moline with the thermoelement actuator of Chioffi, to obtain a temperature sensitive latch actuator. One would have been motivated to make such a combination because the ability to provide a safety delay to prevent opening during dangerous conditions, would have been achieved, as taught by Chioffi (col.1, ln.25-30). Furthermore, Moline discloses the equivalence of using other actuators, and also discloses that the actuator opens the latch only when the appliance controller determines that the appliance has completed its program (col.5, ln.9-11), and also that the emergency release unit operates only after a predetermined delay (col.5, ln.45-50).

Allowable Subject Matter

Claim 22 is objected to as being dependent upon a rejected base claim and for minor informalities discussed above (see the section titled "Claim Objections"), but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and correction of the antecedent basis errors.

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The following is a statement of reasons for the indication of allowable subject matter:

As to claim 22, Applicant recites “the force-generating element is a spring”. Although the closest prior art of Moline and Hapke show various force-generating elements, the elements are either circuitry components (such as capacitors or switches) or solenoids. It would not have been obvious to provide any of these elements with a spring to generate force.

Response to Arguments

Applicant's arguments with respect to claims 17-21 and 23-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYH


ROBERT J. SANDY
PRIMARY EXAMINER